

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CASSAUNDRA A. KENISON
1030 Cordosa Lane
Newcastle, CA 95658

Original Pharmacy Technician License No.
TCH 44918

Respondent.

Case No. 3146

OAH No.

DECISION AND ORDER

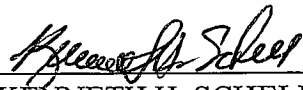
The attached Stipulated Surrender of License Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on February 26, 2009.

It is so ORDERED on January 27, 2009.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 322-5524
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3146

12 CASSAUNDA ALANA KENISON
1030 Cordosa Lane
13 Newcastle, California 95658

14 Respondent.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
20 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
21 by Edmund G. Brown Jr., Attorney General of the State of California, by Elena L. Almanzo,
22 Deputy Attorney General.

23 2. Cassaundra Alana Kenison (Respondent) is representing herself in this
24 proceeding and has chosen not to exercise her right to be represented by counsel.

25 3. On or about October 17, 2002, the Board of Pharmacy issued Pharmacy
26 Technician Registration No. TCH 44918 to Cassaundra Alana Kenison (Respondent). The was
27 in full force and effect at all times relevant to the charges brought in Accusation No. 3146 and
28 will expire on October 31, 2008, unless renewed.

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1. Respondent understands and agrees that counsel for Complainant and the staff of the Board of
2. Pharmacy may communicate directly with the Board regarding this stipulation and surrender,
3. without notice to or participation by Respondent. By signing the stipulation, Respondent
4. understands and agrees that she may not withdraw her agreement or seek to rescind the
5. stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
6. stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of
7. no force or effect; except for this paragraph, it shall be inadmissible in any legal action between
8. the parties, and the Board shall not be disqualified from further action by having considered this
9. matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13 12. In consideration of the foregoing admissions and stipulations, the parties
14 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
15 following Order:

16 ORDER

17 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH
18 44918, issued to Respondent Cassaundra Alana Kenison is surrendered and accepted by the
19 Board of Pharmacy.

13. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

24 14. Respondent shall lose all rights and privileges as a pharmacy technician in
25 California as of the effective date of the Board's Decision and Order.

26 15. Respondent shall cause to be delivered to the Board both her wall license
27 certificate and, if one was issued, pocket license on or before the effective date of the Decision
28 and Order.

16. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 3146 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

17. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 3146 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

18. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$2,251.50 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10-17-2008

Cassaundra Alana Kenison
Cassaundra Alana Kenison (Respondent)
Respondent

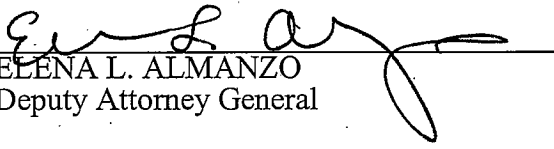
1 ENDORSEMENT

2 The foregoing Stipulated Surrender of License and Order is hereby respectfully
3 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

4
5 DATED: 10/29/08

6 EDMUND G. BROWN JR., Attorney General
7 of the State of California

8 ARTHUR D. TAGGART
9 Supervising Deputy Attorney General

10
11 
12 ELENA L. ALMANZO
13 Deputy Attorney General

14 Attorneys for Complainant

15 DOJ Matter ID: SA2008100259
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Exhibit A
Accusation No. 3146

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3146

12 CASSAUNDRA ALANA KENISON
1030 Cordosa Ln.
13 Newcastle, CA 95658

A C C U S A T I O N

14 Pharmacy Technician Registration
No. TCH 44918

15
16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about October 17, 2002, the Board of Pharmacy issued Pharmacy
22 Technician Registration Number TCH 44918 to Cassandra Alana Kenison (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on October 31, 2008, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 118, subdivision (b), of the Code provides that the expiration of a
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
3 period within which the license may be renewed, restored, reissued or reinstated.

4 5. Section 4300 of the Code states in pertinent part:

5 "(a) Every license issued may be suspended or revoked.

6 "(b) The board shall discipline the holder of any license issued by the board,
7 whose default has been entered or whose case has been heard by the board and found guilty, by
8 any of the following methods:

9 "(1) Suspending judgment.

10 "(2) Placing him or her upon probation.

11 "(3) Suspending his or her right to practice for a period not exceeding one year.

12 "(4) Revoking his or her license.

13 "(5) Taking any other action in relation to disciplining him or her as the board in
14 its discretion may deem proper.

15 6. Section 4301 of the Code states in pertinent part:

16 "The board shall take action against any holder of a license who is guilty of
17 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
18 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
19 following:

20 "(f) The commission of any act involving moral turpitude, dishonesty, fraud,
21 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
22 otherwise, and whether the act is a felony or misdemeanor or not.

23 "(h) The administering to oneself, of any controlled substance, or the use of any
24 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
25 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
26 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
27 the public the practice authorized by the license.

1 "(j) The violation of any of the statutes of this state, or any other state, or of the
2 United States regulating controlled substances and dangerous drugs.

3 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or
4 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
5 applicable federal and state laws and regulations governing pharmacy, including regulations
6 established by the board or by any other state or federal regulatory agency.

7 7. Section 125.3 of the Code states, in pertinent part, that the Board may
8 request the administrative law judge to direct a licentiate found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 8. Section 4022 of the Code states

12 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
13 self-use in humans or animals, and includes the following:

14 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
15 without prescription," "Rx only," or words of similar import.

16 "(b) Any device that bears the statement: "Caution: federal law restricts this
17 device to sale by or on the order of a _____," "Rx only," or words of similar import, the
18 blank to be filled in with the designation of the practitioner licensed to use or order use of the
19 device.

20 "(c) Any other drug or device that by federal or state law can be lawfully
21 dispensed only on prescription or furnished pursuant to Section 4006."

22 9. Section 4059 of the Code states, in pertinent part, that a person may not
23 furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist,
24 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not
25 furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist,
26 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

27 10. Section 4060 of the Code states:

28 "No person shall possess any controlled substance, except that furnished to a

1 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
2 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a
3 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section
4 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to
5 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
6 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall
7 not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
8 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
9 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
10 labeled with the name and address of the supplier or producer.

11 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
12 a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs
13 and devices."

14 11. Health and Safety Code section 11351 states:

15 "Except as otherwise provided in this division, every person who possesses for
16 sale or purchases for purposes of sale (1) any controlled substance specified in subdivision (b),
17 (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of
18 Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision
19 (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is
20 a narcotic drug, shall be punished by imprisonment in the state prison for two, three, or four
21 years."

22 12. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate also
23 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and
24 Safety Code section 11056(e)(4), and 500 mg. acetaminophen per tablet.

25 13. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate also
26 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and
27 Safety Code section 11056(e)(4), and 325 mg. acetaminophen per tablet

28 14. "Valium," a brand of diazepam, is a Schedule IV controlled substance as

1 designated by Health and Safety Code section 11057(d)(9).

2 15. "Motrin" a brand of ibuprofen, is a dangerous drug within the meaning of
3 Business and Professions Code section 4022 in that it requires a prescription under federal law

4 16. "Zovirax" a brand of Acyclovir, is a dangerous drug within the meaning of
5 Business and Professions Code section 4022 in that it requires a prescription under federal law

6 17. On or about August 2, 2007, Respondent admitted that while she was
7 employed as a pharmacy technician at Longs Drugs Store Number 291 in Auburn, California,
8 she took 2 hydrocodone tablets by taking one from the floor and one from the pharmacy cell.
9 Respondent admitted that she had obtained hydrocodone in a similar manner one to two times
10 every other week for approximately one year. Respondent further admitted to taking ibuprofen
11 off the floor approximately two times.

12 She also took 6 tablets of acyclovir and a couple of hydrocodone tablets out of her
13 prescribed medications without paying for said tablets.

14 18. An Audit conducted by Longs Loss Prevention Office for the period of
15 May 28, 2007 to August 9, 2007, determined that they could not account for the loss of 1,296
16 tablets of hydrocodone.

17 FIRST CAUSE FOR DISCIPLINE

18 (Unprofessional conduct/ Dishonesty, Fraud, or Deceit)

19 19. Respondent is subject to disciplinary action under section 4301 (f) in that
20 from approximately July 2006 to July 2007, on dates which are unknown, she appropriated by
21 dishonesty, fraud or deceit, approximately 150 tablets hydrocodone-containing medications and
22 an unknown number of ibuprofen and acyclovir from Longs number 291 in Auburn while on
23 duty as a registered pharmacy technician. The circumstances are more specifically set forth in
24 paragraph 17, above.

25 SECOND CAUSE FOR DISCIPLINE

26 (Possession of a Controlled Substance)

27 20. Respondent is subject to disciplinary action under section Health and
28 Safety Code section 11350, Business and Professions Code sections 4060, 4301 (j) and (o), for

1 possession of Schedule III controlled substances without a valid prescription therefor in that she
2 admitted she possessed hydrocodone without having a valid prescription, as set forth more
3 specifically above in paragraph 17, above.

4 THIRD CAUSE FOR DISCIPLINE

5 (Self-Furnishing a Controlled Substance)

6 21. Respondent is subject to disciplinary action under Business and
7 Professions Code sections 4059, subd. (a) and 4301, subd. (a) in that she self-administered
8 hydrocodone without having a valid prescription, as set forth more specifically above in
9 paragraph 17, above.

10 PRAYER

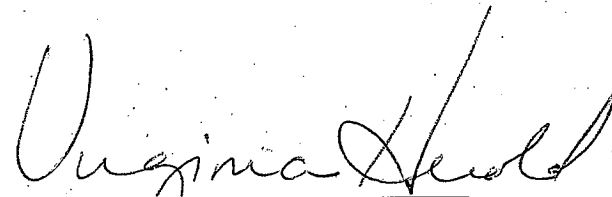
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

13 A. Revoking or suspending Pharmacy Technician Registration Number TCH
14 44918, issued to Cassaundra Alana Kenison..

15 B. Ordering Cassaundra Alana Kenison to pay the Board of Pharmacy the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 125.3;

18 C. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 8/28/08

21
22 

23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant